

MEETING MINUTES
Board of Mental Health Practice

January 10, 2020

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Susan Reay, at 9:01 a.m. at the Best Western Plus, 2201 Wildcat Cir, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered Roll Call:

Members Present (8):

Dale Battleson, Member
Cassandra Dittmer, Member
L. Janeen Gill, Member
David Hof, Member
Thomas Maxson, Secretary
Terrance Moore, Vice-Chair
Susan Reay, Chair
Sarita Ruma, Member

Members Absent (1):

Laurie Andrews, Member

Others Present:

Mindy Lester, Assistant Attorney General
Kris Chiles, Program Manager, Licensure Unit
Heidi Weiland, Health Licensing Coordinator, Licensure Unit
Anna Harrison, Compliance Monitor, Licensure Unit
Carla Cue, Investigations
Kathy Kruger, Investigations
Mark Meyerson, Investigations

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Hof moved, seconded by Ruma, to adopt the agenda. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Reay, Ruma (8). Voting nay: None (0). Absent: Andrews (1). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (11.1.19)

MOTION: Moore moved, seconded by Ruma, to approve the minutes of 11.1.19. A voice vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Reay, Ruma (8). Voting nay: None (0). Absent: Andrews (1). Abstain: None (0). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION
CLOSED SESSION

MOTION: Ruma moved, seconded by Moore, to enter into closed session at 9:05 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Ruma repeated the motion purpose. A roll call vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Reay, Ruma (8). Voting nay: None (0). Absent: Andrews (1). Abstain: None (0). Motion carried.

9:25 a.m. Kruger departed the meeting
9:37 a.m. Harrison departed the meeting
9:39 a.m. Harrison returned to the meeting

9:42 a.m. Gill departed the meeting (conflict of interest)
9:54 a.m. Gill returned to the meeting
9:56 a.m. Meyerson departed the meeting
9:57 a.m. Reay departed the meeting
10:01 a.m. Reay returned to the meeting
10:04 a.m. Hof departed the meeting (conflict of interest)
10:05 a.m. Hof returned to the meeting
10:06 a.m. Meeting Break – Cue and Wiehn departed the meeting
10:18 a.m. Meeting Resumed in closed session

MOTION: Ruma moved, seconded by Hof, to enter into open session at 11:09 a.m. A roll call vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Reay, Ruma (8). Voting nay: None (0). Absent: Andrews (1). Abstain: None (0). Motion carried.

11:09 a.m. Harrison departed meeting
11:13 a.m. Harrison re-entered meeting

5. REVIEW, RECOMMENDATIONS, AND REPORT OUT **OPEN SESSION**

- **Applications, Mail Ballot summary Report, and Reinstatements**

Convictions:

Edna Castro – Mental Health Practitioner

MOTION: Dittmer moved, seconded by Ruma, to recommend issuance with a one year probation, usual terms and conditions, practice monitoring. A roll call vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Reay, Ruma (8). Voting nay: None (0). Absent: Andrews (1). Abstain: None (0). Motion carried.

Tonya Goodwin-Daly – Provisional Mental Health Practitioner

MOTION: Moore moved, seconded by Hof, to recommend issuance of the provisional license. A roll call vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Reay, Ruma (8). Voting nay: None (0). Absent: Andrews (1). Abstain: None (0). Motion carried.

Sharlett White – Provisional Mental Health Practitioner

MOTION: Maxson moved, seconded by Moore, to recommend issuance of the provisional license. A roll call vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Reay, Ruma (8). Voting nay: None (0). Absent: Andrews (1). Abstain: None (0). Motion carried.

Reinstatements:

Jennifer Blankenship – Independent Mental Health/Mental Health Practitioner/Professional Counselor Reinstatement following Discipline)

MOTION: Maxson moved, seconded by Hof, to recommend reinstating the licenses and certificate with 1-year probation to include: a practice monitor who applicant must meet face-to-face with an Independent Licensed Mental Health Practitioner, who must be pre-approved by the Board, at least 1 time face-to-face per month to review 25% of the applicant's cases including treatment plans, accountability for client personal care, and accountability for standard of care and boundaries with clients; no solo practice; quarterly employer reports; and the standard terms and conditions. A roll call vote was taken. Voting aye: Battleson, Gill, Hof, Maxson, Moore, Reay, Ruma (7). Voting nay: None (0). Absent: Andrews (1). Abstain: Dittmer (1). Motion carried.

Linda Dowden – Independent Mental Health/Mental Health Practitioner – Reinstatement (Early Release from Probation)

MOTION: Maxson moved, seconded by Gill, deny reinstatement of the reinstatement application (early release). Basis: The basis for the denial is that the applicant has not submitted sufficient evidence to support early release from probation. A roll call vote was taken. Voting aye: Battleson, Gill, Hof, Maxson, Moore, Reay, Ruma (7). Voting nay: (0). Absent: Andrews (1). Abstain: Dittmer (1). Motion carried.

6. Regulations 172 NAC 94 Review Public Hearing Comments (12.12.19) and Board Recommendations and Approval

Members reviewed hearing comments 1-15 and provided responses. Comments 16-28 will be reviewed during a conference call, scheduled for January 31st, 2-4 pm. The responses will be captured on the Hearing Summary Form which will be reviewed by DHHS Legal and forwarded as part of the regulation packet to the Board of Health, Attorney General, and Governor.

11:33 a.m.	Hof departed the meeting
11:35 a.m.	Hof returned to the meeting
11:33 a.m.	Dr. Anton entered the meeting and provided background relating to his prior practice, and acknowledgement of the importance of the Board and the issues they face.
11:52 a.m.	Dr. Anton departed the meeting
11:52 a.m.	Meeting break
12:03 p.m.	Returned to open session, public member entered the meeting
12:08 p.m.	Lester departed the meeting
12:11 p.m.	Lester returned to the meeting
12:28 p.m.	Gill departed the meeting
12:29 p.m.	Gill returned to the meeting
12:30 p.m.	Public member departed the meeting
12:33 p.m.	Public member returned to the meeting
12:42 p.m.	Hampton entered the meeting
12:45 p.m.	Lester and Harrison departed the meeting
12:53 p.m.	Harrison and public member returned to the meeting
12:56 p.m.	Lester returned to the meeting
1:00 p.m.	Break
1:15 p.m.	Meeting resumed

7. UPDATES AND REPORTS

a. 2020 Legislation

January 8th was Day 1 of the session; 1st 10 days bills are introduced. Session scheduled to end on April 23rd.

b. Board News Articles for Web Posting

Articles are in process.

c. Association and Committee Updates: ASWB

ASWB: Reay reported she is attending the 2020 Education Meeting: "Embracing Regulatory Research" April 24-25, 2020, Chicago, IL.

MOTION: Maxson moved, seconded by Hof, to allow a per diem payment to Reay representing the Board at the meeting in Chicago April 2020. A roll call vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Ruma (7). Voting nay: None (0). Absent: Andrews (1). Abstain: Reay (1). Motion carried.

d. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, and Administrative Penalty Fees Assessed

Disciplinary/Non-Disciplinary Report: The report beginning 1.1.2019 was circulated.

Examination Statistics since January 10, 2020:

AMFTRB:	5 pass, 3 fail
ASWB:	79 pass, 23 fail
NBCC-NCE:	76 pass, 25 fail
NCMHCE-DM:	18 pass, 23 fail
NCMHCE-IG:	36 pass, 3 fail
ASWB Master's:	1 pass
Jurisprudence:	31 pass

License and Certificate Statistics: Report was circulated

Administrative Penalties: No administrative penalties were assessed since the last meeting of the Board.

Jurisprudence Statistics: The Board will review the jurisprudence results at their March meeting.

8. Reinstatement Appeal Hearing – James Holt

The hearing on reinstatement (early release from probation) to practice as a mental health practitioner, was convened at 1:04 p.m. Teresa Hampton, Department attorney, served as the hearing officer. The Department was represented by Mindy Lester, Assistant Attorney General. James Leonard Holt represented himself. Kris Chiles, Program Manager with the Licensure Unit, and James Leonard Holt (applicant) were witnesses. Exhibits were entered and accepted. Evidence was presented and testimonies were provided.

1:40 p.m. Public hearing ended

1:41 p.m. Harrison, Lester, Holt and reporter departed the meeting

MOTION: Hof moved, seconded by Moore, to enter into closed session at 1:42 p.m. to discuss the Hearing information due to its confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Reay, Ruma (8). Voting nay: None (0). Absent: Andrews (1). Abstain: None (0). Motion carried.

Ruma moved, seconded by Moore, to enter into open session at 1:53 p.m.

James Holt – Mental Health Practitioner – Reinstatement (early release from probation)

MOTION: Dittmer moved, seconded by Gill, to recommend denial of the reinstatement due to Mr. Holt has not completed terms and conditions of probation items #10, 11 and 13, He has not been working in his field since placed on probation, and there is no proof of release of federal probation. A roll call vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Reay, Ruma (8). Voting nay: None (0). Absent: Andrews (1). Abstain: None (0). Motion carried.

9. Annual Business

a. Elections and Appointments: officers, investigative consultant and education reviewers.

MOTION: Maxson moved, seconded by Dittmer, to approve the following slate of officers:

Chair: Dale Battleson,

Vice Chair: David Hof

Secretary: Janeen Gill.

A roll call vote was taken. Voting aye: Battleson, Dittmer, Gill, Hof, Maxson, Moore, Reay, Ruma (8).

Voting nay: None (0). Absent: Andrews (1). Abstain: None (0). Motion carried.

The following members were appointed:

Education Reviewer: Susan Reay

Investigative Consultant: Cassandra Dittmer

b. Approval of Method of Noticing Meeting Agendas

The Board recommended no change in the current process for noticing meeting agendas. Agendas are posted on the Licensure Unit website, on the bulletin board in the Licensure Unit lobby, and sent to any requester.

2:34 p.m. Dittmer departed the meeting
2:36 p.m. Harrison departed the meeting

10. Adjournment

There being no further business, Battleson declared the meeting adjourned at 2:39 p.m.

L. Janeen Gill, Secretary
Board of Mental Health Practice

Summarized by: Heidi Weiland, Health Licensing Coordinator, Licensure Unit